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**Autocracy-Sustaining vs. Democratic Federalism:
Explaining the divergent trajectories of Territorial Politics in Russia and
Western Europe**

**1. Understanding the dynamics of territorial politics in Western Europe and
Russia**

Recently, Russia has become a comparative object in the studies of federalism. The development of Russian federalism and its different aspects had already inspired comparative analysis with the early United States (Figueredo et al., 2007), Mexico and even with communist Eastern Germany (Gel'man, 2006, 2008). The federal structure of Russia of the 1990s has also been compared with that of the new millennium (Burgess, 2009; Sakwa, 2010). Indeed, the framework of comparative federalism contributes to our understanding of the Russian territorial structure and its future development. However, surprisingly, few scholars have compared Russian federalism with territorial politics in Western Europe's federal or multi-level states. For two *theoretical* reasons we think that such a comparison is useful and can develop our understanding of the dynamics of federalism in general and Russia in particular.

First, Western Europe's federal or multi-level states present a wide variety of federal or multi-level models. Plurinational states (Keating, 2001), like Spain, the UK and Belgium devolved powers in order to accommodate plurinational differences. 'Coming together' (Stepan, 2001) federations like Switzerland developed organically, out of a more loosely confederal order; whereas the federal character of Austria and Germany is partially home-grown, but also partially crafted by outside forces following a period of totalitarian rule (Nicolauß, 1998). In other words, compared with

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federal states *elsewhere* the diversity of territorial politics in Western Europe provides a broader pallet against which the Russian experience can be more meaningfully compared.

Second, in Western Europe, change and continuity in territorial arrangements are linked to a set of endogenous safeguards (Bednar, 2009) of territorial politics. These ‘endogenous safeguards’ relate to the constitutional embeddedness of territorial *self-rule* and the capacity of the sub-state entities to participate in central decisions that affect their competencies or interests (*shared rule*; Elazar, 1987). In tandem, Constitutional Courts or Supreme Courts may operate as adjudicators of central-regional or inter-regional disputes (for an overview of the ‘safeguards of federalism, see in particular Bednar, 2009; Filippov, et al., 2004).

Usually, the above design features go hand in hand with the presence of a multi-level party system. In Western Europe, such multi-level party systems have emerged from organizing elections at multiple levels. Parties have to select candidates, draft party programs, canvas members and govern (or form the opposition) at multiple levels of the state. Multi-level or statewide parties in particular have the potential of providing a strong ‘integrative’ force in the party (and federal) system as they must strike a balance between satisfying regional demands (self-rule) and projecting polity-wide interests (Ordeshook et al., 2004; Thorlakson, 2007; Fabre 2011; Fabre and Swenden 2013). Thus, in Western Europe, the introduction of territorial arrangements where they were called for promoted or even deepened democracy. Federalism assumes a ‘dispersal of political authority’, and in this sense, the proper functioning of a federal order should allow room for the control of the federal and sub-state governments by different political majorities. This basic requirement of federalism is easier to achieve under conditions of *liberal or*

democratic governance (Filippov et al., 2004). This is so because divided political control is more likely where key liberal democratic assumptions hold, such as ~~the~~ ‘the rule of law, free and regular elections by secret ballot, an independent judiciary, a free media, the protection of individual freedoms and human rights, and the legitimacy of government opposition’ (Burgess and Gagnon, 2010, p. 4; Kincaid, 2010). In sum, territorial autonomy and multi-level democracy have become intrinsically linked (but see Watts, 2010 for a more historical perspective)

In contrast, as we will argue, Russian federalism under Putin has been strongest where sub-national democracy was at its *weakest*. In other words, ‘political authority’ can be dispersed even if the requirements of liberal democracy are not fulfilled. In the pre-Putin era, authoritarian sub-national regimes co-existed with a relatively democratic centre, whereas since Putin assumed the Presidency and then Premiership of the federation, Russian federalism moved into a more authoritarian direction without in fact fully sacrificing the territorial dispersal of political authority. By studying the relationship between federalism and democracy in cases where both concepts are mutually reinforcing (as in Western Europe) with a critical case where they are not, we can shed a clearer comparative light on this relationship. Too often, assumptions about the instability of federal states have focused on cases of democratic breakdown (such as Pakistan or Nigeria), or of secession following democratization (Yugoslavia). Conversely, the experience of federalism in Western Europe has been compared most frequently with that of federalism in Canada, the US, or Australia. Yet, these ‘more logical’ comparisons can tell us little about the conditions under which federalism and democracy are mutually reinforcing or when they are not.

The article is structured in three parts. In the first part, we illustrate the ‘contested’ nature of Russian federalism and compare it with the dynamics of

territorial politics in Western Europe, which especially in some plurinational states (Belgium, Spain and the UK) also shows elements of contestation. In the second part, we show how that contestation has led to the transformation of Russian federalism from a centrifugal to relatively centralized federation in the span of two decades. This development contrasts with the deepening of territorial autonomy in Western Europe. We attribute the transformation of Russia into a centralized federation to two important factors. The first factor points at the comparative weakness of safeguards that are endogenous to federalism (self-rule, shared rule and the Court as an impartial umpire). These safeguards are stronger in the West European context, and thus preclude as drastic a rescaling of territorial authority *without* concurrent constitutional reform. In other words, *federal form and practice* are more closely interlinked in Western Europe than in Russia where the transformation into a centralized federalism has been made possible without significant constitutional reform. The second factor points at the changing power-dependencies between the centre and the regions. In the West European context, these changes are closely tied to the working of multi-level democracy itself, in particular the dynamics of regional and multi-level party competition. In contrast, in Russia they are linked to who has captured key resources of state control (Hellman 1998). The capacity of the Russian centre to capture these sources has been lowest where it faces authoritarian regional governments. As such, Russian federalism has remained strongest where regional democracy is at its weakest, effectively producing an ‘autocracy-sustaining’ federation. The final part summarizes our key findings and what they mean for how we conceptualize the relation between federalism and democracy.

2. Contested Federalism

All multi-level systems are dynamic to some extent, but major shifts in authority across time (either from the centre to the regions or vice versa) are often linked to the absence of a broad based consensus at the onset of the federalization process. The nature of the Russian multi-level state was highly contested from the start as political actors not only mobilized against the constitutional settlement but even preferred to disobey it. There was an uneasy tension between the pro-regionalist and asymmetric logic embedded in the Federation Treaty (1992), the bilateral Treaties which the centre negotiated with several Russian Republics throughout the 1990s and the more symmetric and centrist logic of the amended Russian constitution (1993). Under Yeltsin's Presidency, the balance tilted in favor of the regions, resulting into what Sakwa (2010) refers to as a state of 'segmented regionalism'. In contrast, under Putin's Presidency (and Premiership), central authority was reinforced and the principle of regional autonomy undermined. This transformation in the space of just two decades is unique to Russia, and goes against the trend of multi-national states in Western Europe which have seen the consolidation or even furtherance of regional autonomy.

A contested Russian federal constitution: which and whose constitution, how much asymmetry?

Following the implosion of the Soviet Union, Russia had to draft its own constitution. That process of constitution-building was staggered, and contested, but it stood beyond doubt that Russia was to retain its federal format, initially made up of 89 regions.

The retention of a federal structure was logical in view of the turbulent years preceding the formation of the Russian federation and especially of the willingness of

the centre to bargain with regional elites. The sudden ‘democratization’ of Russia meant that ethno-regional elites which were already granted a degree of (formal) self-rule in the Soviet federation found themselves in a strong bargaining position vis-à-vis the centre (Brubaker 1996). Russian republics sought to emulate the autonomy-maximizing strategies of the Union Republics vis-à-vis the Soviet centre. In the case of two Russian republics (Tatarstan and Checheno-Ingushetiya) sovereignty was even sought outside of the Russian framework (Zuber 2010: 558). The Russian regions (republics, national-territorial entities and administrative territorial entities) benefited from a much weakened Soviet centre, and, after its disappearance, Russian centre (Brubaker 1996, Bunce 1999, Roeder 2007). They negotiated separate sub-treaties with the Russian centre, which was annexed as a Treaty to the (1978) Russian constitution. This Federation Treaty was signed in 1992 and committed the ‘lump’ of the Soviet Union to form a Russian federation but in doing so, also favored regions with a republican status. In 1993 an agreement on a new Constitution for the Russian federation followed, but it did not include the Federation Treaty that was signed a year earlier.

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The constitution of 1993 is the main document outlining the federal structure of contemporary Russia, but the inconsistencies between the prerogatives that derive from the Federation Treaty and the actual constitutional text explain part of the bargaining logic and instability of Russian federalism that followed. About a third of the 137 articles of the Russian constitution are dedicated to the federative structure of the Russian Federation (Vaslavsky and Mironiuk, 2010b: 40). To circumvent its contested character, especially in some of the republics which felt they were better off under the Federation Treaty, the new Constitution was only put to a polity-wide popular vote without a requirement for concurrent majorities across a majority of the

state legislatures. The results of the polity-wide referendum were contradictory (Vaslavsky and Mironiuk, 2010b: 41). Although 58.4 percent of the population supported the Constitution, it was rejected in 8 republics and 10 regions.² In a further 5 republics, the draft was not passed at all due to low turnout (less than 50% of regional population).³

Russian republics saw in federalism a means to accommodate their multi-ethnic society, and bilateral and asymmetric arrangements with the centre were considered as a logical consequence of recognizing Russia's plurinational diversity. The latest census *also* identifies no less than 182 officially recognized nationalities in Russia. Next to the ethnic groups, the centre-periphery cleavage manifests itself in the peripheral South of Russia and Siberia, both territories with an increased sense of "cultural regionalism" or identity (Vaslavsky and Mironiuk 2010a: 30). A federal and asymmetric constitution that recognizes these socio-demographic and economic realities on the ground ensued as the most appropriate constitutional form for Russia (Ross 2010: 167-68).

However, a large share of Russian politicians governing the centre (and Russians more in general) considered the need for asymmetry and special recognition as minimal. Notwithstanding the different types of units in the Russian federation (*Republics, krais, cities of federal significance, autonomous oblasts, autonomous okrugs*), some Russian scholars underline what they see as the unusual homogeneity of the Russian population along cultural, religious, and ethnic lines. They stress the importance of a "Russian ethnic mega-focus" (Vaslavsky and Mironiuk 2010a: 29). Indeed, data of the last three all-Russia censuses (1959; 1989; 2002), demonstrate little change in the variation of ethnic and cultural self-identification of the population (see Table 1). The main ethnic group – Eastern Slavs – comprises about 84% of the

overall population - and about 98 % of the population speaks Russian (Vaslavsky and Mironiuk, 2010a: 30). The vast bulk (around 80 percent) of the Russian federation also lives in more than 50 ‘ordinary’ oblasts and kraia or the main cities of St Petersburg or Moscow which are predominantly ethnically Russian (Stoner-Weiss 2004: 302). In this sense, the *Staatsvolk* (O’Leary 2001) is clearly Russian as it represents four out of five citizens in the state.⁴

Table 1 about here

The different viewpoints between the dominant Russian titular ethnic group which preferred a more centralized and symmetric federation, and the ethnic or ‘peripheral’ regions which propagated a more decentralized and asymmetric federation is reflected in the ‘inconclusiveness and inherent contradictions’ in the Federative Treaty (1992) and Constitution (1993). Both have been described as incomplete ‘treaties’ (Filippov 2004: 62) due to their lack of secure enforcement or implementation guarantees. The Constitution reflects this ambiguity in part 1, article 5 which states that all regions are equal subjects of the Federation (Vaslavsky and Mironiuk, 2010b) while part 2 and 4 articles 5, 64, and 68 recognize differences in the constitutional status of different types of regions (e.g., Republics have constitutions not charters, they have presidents not governors, etc.). Even if these differences may simply boil down to ‘constitutional window-dressing’ for what is in essence a *symmetric* federation (Smirnyagin 2010), the main trend of the 1990s was primarily to keep the federation *symmetrical in form* but *asymmetrical* in its actual *practice*.

For instance, Article 72 which deals with concurrent competences that are shared between the central and regional governments applies to all units of the

federation, irrespective of their status (Smirnyagin 2010). Yet, at the same time, between 1994 and 1998 president Yeltsin signed *bilateral treaties* with a number of regional executives. The first treaties were justified as ‘privileges to regions which “deserve” them, without formal specification of the criteria meriting ‘special recognition’. All bilateral treaties were signed by the President of the Russian Federation and the regional executives but they were not subject to ratification by the Russian Parliament or regional legislative parliaments (Smirnyagin 2010: 47-48). Since the content of these treaties was very different from each other (Smirnyagin 2010: 47), they resulted in building a highly asymmetric federal state in practice. However, the fact that 42 of the 46 bilateral treaties violated the provisions of the federal Constitution (Ross 2010: 169) made it easier for Vladimir Putin to terminate all of them once he was elected President of the Russian Federation. Yet, their termination has not fully eradicated the presence of *asymmetric* practices in the operation of Russian federalism (see further).

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Federalism in Western Europe: Less contestation, more stability?

Compared with Russia, few West European states have had similarly contested constitutions from the outset. Switzerland is a classic coming together federation, with the oldest cantons dating back to the Middle Ages (Linder 2010). The formation of modern Switzerland as a federal state in the 19th century was not painless: it followed a brief civil war in which a number of Catholic cantons combined against the Protestant dominated majority, but the latter imposed its will (and in the process a federal state structure) against the preferences of the former (who did not endorse the 1848 constitution). In time however, the *Sunderbund* cantons acquiesced in the consolidation of Switzerland as a federation, in part because the state developed

power-sharing practices at the centre and has retained a quite decentralized federal structure throughout (the most decentralized of all West European federations).

Although Austria and Germany rebuilt federal structures out of fascist dictatorships, the nature of their federal regimes post World War II showed a strong resemblance to the federal structures that existed during the *interbellum*, or in the case of Germany, the Wilhelmine period (1870-1914). For instance, following World War II the Allied Powers insisted on a more decentralized German federation with more clearly disentangled powers between the federal centre and the Länder (Nielauß 1998). The breakup of Prussia, migration from what was former German territory into post-War West Germany and a strong sense of German identity prevented the centrifugal, ethnic bargaining that emerged in Post-Soviet Russia (Conradt 2004). With the exception of Bavaria (which found the federation too centralized), all German Länder endorsed the federal constitution.

The contested nature of Russian federalism (and its rapid evolution since 1990) does, however, show some parallels with the rapidly changing constitutional set-up of plurinational Spain, Belgium and the UK. The Spanish constitution, like the Russian (and Austrian and German) constitutions, emerged from a non-democratic context, but (unlike the Austrian and German constitutions) also developed *without* considerable influence from outside forces. However, the Basque Country, Navarre, Catalonia and Galicia, could reclaim degrees of self-rule that dated back to the Middle Ages and these territories also benefited from a considerable amount of self-rule during the (short-lived) pre-Francoist Second Republic (Moreno 2001). Francoist elites (and the monarch) played a crucial role in the transition from a dictatorial to a democratic regime. The territorial dimension of Spain was recognized by setting up a system of 'autonomous communities', but as in Russia where different types of

regions were recognized, the Constituent Assembly recognized the special status of the historic regions by entrusting them with a higher and faster trajectory towards self-rule (Agranoff 1999). Although a majority of the Basque people and parties refused to endorse the constitution, it had more widespread support among the rest of Spain (including the other historic communities). Furthermore, with constitution-making preceding the reinstatement of self-rule, regional level elites in Spain were in a comparably weaker position than in Russia to project their interest vis-à-vis the centre (Linz and Stepan, 1996).

Like in Russia, there remains a tension between the notion of the state built around a dominant Castilian-speaking or ‘Spanish’ majority nation and that of Spain as a plurinational state encompassing various nations within. Article 2 of the Spanish constitution provides a wonderful expression of this ambiguity as it signals the commitments towards an indivisible and unified Spanish state which simultaneously is made up of various autonomous communities and nationalities (Moreno 2001).⁵ This tension between two visions of Spain; one built around a Spanish nation (at best comprising minority *nationalities* within) and another as a *plurinational* state has generated two opposing dynamics. Unlike in Russia, regional autonomy has deepened unmistakably since 1978; but this has not been a linear process (with the centre seeking to scale back, reign in and homogenize the autonomy process at various points in time). The contestation of the recently revised Catalan statute of autonomy (in particular by the Popular Party, the party in control of the Spanish government since late 2011), and the controversial Constitutional Court ruling which followed on from this, demonstrate the lack of consensus on the future direction of the Spanish state (Colino 2009; Keating and Wilson 2009).

Like Spain, the plurinational states of Belgium and the UK emerged out of unitary or union-like regimes. There were no regional level elites to bargain with (in a sense of regional politicians rooted in a regional executive or parliament) when the federalization process started. Rather, in Belgium, central level elites found it increasingly difficult to find common ground on a range of issues that divided opinions between the French and Dutch-speaking language communities. Consequently, they started to 'hollow out' the centre by entrusting an increasing range of powers to Communities and Regions (Hooghe 2004; Deschouwer 2009). Yet there is disagreement about conceiving the language communities (the Flemish preference) or the territorial Regions (the Francophone preference) as the 'building blocks' of the federation. Although these tensions have been partially resolved by setting up an ingenious and asymmetric construction of Regions and Community governments; the failure to make a clear choice for either logic has had contradictory effects on the institutional stability of the Belgian federation. At one level it contributed to growing opposition among a Flemish political majority to further commit to the Belgian state; at another level it rendered the practical realization of more Flemish autonomy, let alone independence, more cumbersome given the lack of a clear agreement on the future Flemish state boundaries and especially the role of Brussels therein (BRANS [et al.](#), [De Winter and Swenden](#), 2010).

UK devolution is even younger than Spanish, Belgian (and Russian) federalism. Although the UK originates from a set of treaties or unions (between Wales and England, between Scotland and England), the state was governed as a union-state which tolerated the distinctiveness of Scotland and Wales by recognizing its legal tradition, language, Church or distinctive education system. Throughout most of the 20th century, the Scotland, Wales and Northern Ireland Offices (the latter only

between 1972 and 1999) operated as field administrations, headed by a secretary of state in the UK government (Mitchell 2008). The legitimacy of the centre to rule Scotland and Wales declined when the ties that bound these nations to the UK weakened. The decay of the Empire and the encapsulation of these nations within the then European Economic Community made them also less dependent on the UK centre for their economic survival (Dardanelli 2006). The de facto scaling back of the autonomy of the territorial administrations coupled with unpopular welfare-state retrenchment policies during the Conservative period in central government (1979-1990) eroded the support of that party in the Celtic nations, and in the process, also delegitimized central rule in Scotland and Wales. Ultimately, a UK Labour government introduced devolution (through a UK Parliamentary Act) in 1998, hoping to consolidate its electoral support and the centre's legitimacy in the eyes of the Scottish, Welsh (and Northern Irish) electorate (Bogdanor 1999). Devolution itself was subject to popular referendums in Scotland, Wales and following a peace agreement, in Northern Ireland as well. Yet, thirteen years on, devolution remains a 'moving target' (Stolz 2010) with a strengthening of the territorial self-rule arrangements, or the secession of Scotland from the UK as possible outcomes.

The territorial arrangements of Spain, Belgium and the UK are contested and remain prone to instability (especially in the current context of scarce resources following the 2008 global fiscal crisis and the resulting Euro-crisis). The contested nature of the Russian federalism was even more outspoken, given the numerous bilateral treaties which violated the spirit of the federal constitution. Yet, twenty years on, in Russia, these contradictions have led to a more centralized state, which many authors consider as neither federal nor democratic. In contrast, in Spain, Belgium and the UK, these tensions have led to further decentralization (which in all three cases

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could lead to confederalism or the secession of parts of the state). In the following section, we will seek to explain what made these different trajectories possible.

3. Explaining Authority Migration (I): the role of ‘territorial’ safeguards

Constitutionally Entrenched Self-Rule

In Western Europe, the constitutional arrangements give a relatively adequate reflection of the state of territorial politics. Most territorial arrangements are constitutionally embedded (*de iure* or *de facto*). Therefore, shifts in territorial autonomy are linked to constitutional change. For instance, the German constitution was amended in 1990-2 to accommodate the entry of five new Länder following unification and again in 2006 to strengthen regional self-rule. Similarly, the Swiss and Austrian constitutions were amended in recent decades to strengthen respectively the fiscal autonomy of Swiss cantons or to secure the participation of Austrian Länder in EU decision-making. The larger the scale of territorial rescaling, the more frequent and more drastic the process of territorial constitutional change. For instance, the transformation of unitary into federal Belgium is the result of four rounds of constitutional reform (1970, 1980, 1988-9, 1992-3) and additional territorial reforms through constitutional change have occurred since (2000-1, 2012-). In Spain, the constitution provides different routes to autonomy and the self-rule arrangements for the ‘slow’ and ‘fast’ route **autonomous** have been periodically adjusted as a result of bilateral pacts between the two large state-wide parties (PP and **PSOE**); the parties in regional government and –where necessary- the regional electorates. Notwithstanding UK parliamentary sovereignty, the self-rule arrangements for Scotland, Wales and

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Northern Ireland depend on de facto Scottish, Welsh and Northern Irish parliamentary consent, and *substantive* revisions of the relevant UK parliamentary acts do not take place without their agreement – or as in the case of the amended Government of Wales Act in 2012, the people.

In Russia however, the nature and direction of territorial change is not linked to the nature and direction of constitutional change. Hence the centrifugal direction in which Russian federalism developed during the 1990s occurred *despite* the limited self and shared rule provisions under the relatively centralized Russian constitution. The centralized nature of the Russian federation is reflected in the long list of exclusive (Art.71) and concurrent competencies with federal paramountcy (Art 72) in the Russian constitution. The Russian centre also controls significant redistributive and distributive policies (education, health, infrastructure and culture) and it raises the most important taxes.⁶ However, the constitution is only a limited guideline in seeking to understand the dynamics of Russian federalism. The discrepancy between constitutional form and federal practice is important because as Sakwa (2010: 602) observed, the ‘dual nature’ of the Russian state implies that the state operates under two parallel systems of law, one in which the ‘normative state’ applies ‘sanctioned principles of rationality and impartial legal norms’; and a parallel ‘prerogative state’ in which ‘the state [i.e. not necessarily the centre alone] exercises power arbitrarily and without constraints, unrestrained by law.’

With the exception of Switzerland (and the Basque Country in relation to Spain), most territorial arrangements in Western Europe have retained important centralized features. For instance, most West European regions depend on the central government for key redistributive policies (social security), reflecting a normative preference for a polity-wide ‘social citizenship’. This preference is linked in turn to the development

of welfare regimes that grew out of a pronounced struggle between capital and labor interests (more intense for instance than in the United States) or between economically conservative and trade union supported **Labour** Parties (Obinger et al. 2005; McEwen and Moreno 2005). Serving this central redistributive role, most important tax levers are usually kept central in Western Europe (corporate income, personal income, VAT or sales taxes), as in Russia, leading to vertical fiscal imbalances (Swenden 2006: 109). Like in Russia, West European governments seek to bridge these imbalances by redistributing money from wealthier regions (which contribute more to the federal tax source) to the poorer regions (which contribute less).

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On the other hand, compared with Russia, West European sub-national governments are given a much stronger say in regulating and providing some of the above mentioned distributive policies (education, certainly below the level of higher education and culture are usually entirely controlled by the regions, and regions usually also have a stake **in** –the provision of- health care). Crucially however, compared with Russia, Western European regions have been able to safeguard their autonomy much better than the Russian regions since Putin, narrowing the gap between federal form and federal practice. For *some* West European states, constitutionally entrenched shared rule and/or a **Constitutional** on Supreme Courts that adjudicate central-regional or inter-regional disputes of competence have provided this safeguard function.

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Shared Rule or the participation of regions in central decision-making

Compared with most West European states, Russia has always scored low on the shared rule criterion (with *bilateral, informal* channels of influence offsetting the

weakness of *formalized and multilateral* channels). However, under President Putin, the capacity of the regions to engage in a bilateral way with the ~~center~~centre was much reduced (hence the scope for bargaining federalism diminished), *as was* their capacity to project a *common* regional interest vis-à-vis the centre. In this sense, the federation became much more centralized even if the competencies of the regions at home were not constitutionally eroded.

Putin weakened the shared rule dimension of Russian federalism in two ways, first of all by his reform of the federal second chamber. The powers of the Federation Council, created to represent the interests of the regions, relative to the federal lower chamber (State Duma) were always weak (Ross 2010: 171-173). But Putin's reform of the Federation Council's composition, in which elected Governors and the presidents of regional assemblies were replaced as *ex officio* members with two regional representatives, one representing the regional executive (but not the Governor) and the other the regional legislature, made the Council an even less potent vehicle of regional representation. By removing them from the Council, Governors lost immunity from prosecution, and therefore became more subject to central control. Furthermore, although regional representatives are selected by the regional legislatures and Governors, some studies have suggested that about "75-80 per cent of the appointments were either recommended by or cleared with the presidential administration" (Remington 2003: 674). Most importantly, most regional representatives were not even residents of the regions they were meant to represent but residents of Moscow or St. Petersburg (Ross 2010, Remington 2003). By 2002 nearly half the delegates to the second chamber were Moscow insiders or entrepreneurs with a permanent residency in Moscow. The Kremlin also played a crucial role in influencing the choice of speaker and deputy speakers (Ross, 2003: 39;

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Gill 2007: 7-8). Finally, senators could be dismissed from the Council with just one fifth of a Council majority, paving the way for the removal of senators which the Kremlin deemed ‘unfriendly.’

To replace the Federation Council, two new bodies emerged as vehicles for intergovernmental coordination: the State Council and the Council of Legislators. The *State Council*, is made up of chief executives of the regions (presidents or governors) and meets every three months. A smaller presidium (in which one governor or president for each of seven regional districts – see further- resides) convenes monthly. Furthermore, the **Council** has 22 sectorial working groups in which specific policy issues (for instance transport, social policy, etc.) can be addressed. Some scholars have argued that regional governors, as members of the **Federation Council**, have a direct way of communicating with the Federal President and therefore that “[T]he State Council does play an important role in ameliorating disputes that arise between federal and regional executives” (Ross 2010: 176). However, the State Council lacks law-making powers and only serves as an “advisory” body to the Federal President (Ross 2010); it is too weak as a shared rule mechanism. The same observation applies to the *Council of Legislators* which brings together the chairs of regional parliaments but lacks law-making powers. As Ross notes, this is “a body that assists the centre in monitoring federal legislation in the regions, rather than a body that represents and promotes the adoption of regional legislation in the centre” (2010: 176). The Council’s main task is to coordinate “the activities of the regions in implementing the president’s policies rather than in initiating legislation” (Ross 2010: 176-177). Further sector-specific intergovernmental bodies were set up to coordinate federal equalization programs or to promote integration in socio-economic, political and cultural matters. The seven Federal districts (created by Putin, see further) have been

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“State Council”

the drivers of functional co-operation among regions located within their district. Yet, all of the above intergovernmental bodies only operate in an advisory capacity and most of them (like the State Council) could be unilaterally dissolved by the federal government. Furthermore, the centre sets their agenda. Intergovernmental relations that are instigated by Putin's seven centrally established Federal Districts also pushed intergovernmental co-operation in a top-down direction and slowed down or worked against the activities of inter-regional associations that were built from the bottom up (such as the Great Volga, Black Earth and Siberian Accords).

The second way in which Putin diminished the capacity of regional political actors to influence the ~~center~~centre is by diminishing the capacity of Governors or regional assembly members to speak freely. As early as 2000, Putin brought into place legislation that authorized him to 'sack' governors and 'dismiss' regional legislatures, admittedly ~~only not~~ after serious breaches of federal legislation or constitutional principles could be observed (Ross 2003: 40). Four years later, shortly after the *Beslan* tragedy, he dispensed with the direct election of governors altogether.

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The weakness of shared rule arrangements sets Russia on a different path from some of the West European multi-level states, especially Germany, Belgium and Switzerland. In fact, German federalism has the strongest and most effective shared rule channels of any federation. The German *Länder* can issue an opinion on all proposed federal legislation and their explicit consent is required for slightly more than half of all federal legislation. The Federation Council (or *Bundesrat*) which must provide this consent or opinion is composed of key members of each of the regional governments; the principle of regional representation is strengthened by requesting that each region cast a block vote in the *Bundesrat*. Dozens of intergovernmental

forums have developed in parallel to the coordination that takes place in the *Bundesrat*, and these forums often operate under qualified majority voting or even unanimity making it difficult for the federal government to ignore regional interests (Scharpf 1994; Benz 2009; Kramer 2005; Swenden 2010).

In Belgium, the federal parliamentary executive is composed of an equal number of Dutch and French-speaking members (save the Prime Minister) and can only decide by consensus. This consociational executive faces a federal Parliament which on Community-sensitive issues is divided between two language groups, with members of each group holding a mutual veto-power. Amending legislation that touches upon Community or Regionally sensitive issues (such as amending the Special Finance Law which regulates how the regions are funded) cannot be accomplished without the consent of the key Regions and/or Communities (Deschouwer 2009). Therefore, shared rule between the two major language Communities (whose borders largely overlap with the two main Regions; - save Brussels-) is strongly institutionalized. In turn, a federally anchored Deliberation Committee gives each of the players (including the small German Community government) a stake in resolving intergovernmental disputes (Swenden and Jans 2006).

Finally, Switzerland, like Belgium has a consociational (though not constitutionally mandated) federal executive, even though it does not protect the interests of the 26 cantons *per se* (rather that of the four major Swiss parties which reflect Switzerland's linguistic and religious diversity). Cantons are also equally represented in the federal second chamber (which has equal powers to the lower house), and they are heard when federal governments are considering submitting legislation to federal parliament (Wälti 1996). Cantonal, in addition to popular

consent is required for constitutional referendums (more than half of the cantons must endorse them), and a minimum of eight cantons can trigger a referendum if they find their interests neglected.

On the other hand, Austria, Spain and in particular the UK devolved setting offer fewer opportunities for shared rule. For instance, Austria, which is the most centralized of the West European federations has a second chamber in which members of Land parliaments are represented, but its powers vis-à-vis the federal government are relatively weak. Most intergovernmental institutions that bring together Land and federal representatives to discuss issues of mutual concern are at best advisory in nature (Obinger 2005). In Spain, only a minority of Spanish senators represents the autonomous communities and most senators are elected at the sub-regional level. Furthermore, the powers of the Spanish Senate are relatively weak. Strong historic regions, such as the Basque Country and Catalonia do not necessarily seek to strengthen the Senate because it could mean that they have to trade their privileged access as bilateral negotiation partners with the centre on certain issues for a collective regional right of co-decision (in which they may be outvoted; Roller 2002). Sectorial conferences bringing together central and regional ministers or civil servants have emerged instead, but only with an advisory capacity (Grau i Creus 2000; Bolleyer 2006). In the UK, shared rule provisions are the weakest. Since devolution applies to only about fifteen percent of the UK, civil servants or ministers from the devolved governments may be given access to Whitehall on some issues (often through bilateral negotiations), but they cannot realistically expect a formalized right to participate in the making of all UK legislation or in policies that may affect devolved policy interests (directly or indirectly; Trench 2007). Since 1999, the secretaries of state for Scotland, Northern Ireland and Wales no longer have the

prominence in the UK cabinet which they had prior to devolution and their capacity to act as intermediaries between the UK and devolved governments has weakened since the UK and devolved government are no longer composed of the same parties (largely the case since 2007; McEwen et al. 2012). In this sense, the UK is different from Spain, where the deepening of self-rule (affecting regions spanning the entire territory) has gone hand in hand with a progressive strengthening of shared rule mechanisms (Aja and Colino, forthcoming)

The Constitutional Court and judicial review

Limited shared rule provisions could be offset by a Supreme or Constitutional Court that safeguards regional autonomy through judicial review. Yet, the Russian Constitutional Court has not played an important role in this regard. According to Heinemann-Grüder (2010: 197), the Court has largely proved ‘dependent, opportunistic and submissive in the face of the wishes of the president’. Given that judges are appointed by the centre, criticisms of the Court predate the election of Putin as Russian President. For instance, in a ruling in 1995, the Court did not invalidate a set of presidential decrees legitimating the centre’s intervention in the Chechen conflict (though members of the State Duma and Federation Council challenged the president’s decision). Furthermore, Court rulings were often not implemented. Under Yeltsin, regions disputed its rulings or simply refused to implement them, under Putin, regions implement Constitutional Court rulings to the extent that they are seen as an extension of the powers of the President who has the mechanisms to enforce compliance (Taylor 2007).

In Western Europe, some Constitutional Courts have played a more important role in policing multi-level relations; ~~even-although~~ the role of Courts as custodians of federalism (Bednar 2009) has ~~certainly~~ been smaller in Switzerland, the UK, Belgium and Austria than in Germany and Spain. In Switzerland, the Constitutional Court cannot invalidate federal law for breaching the constitution, only the people can do so by means of a referendum. In the UK, parliamentary sovereignty prevents the Supreme Court from invalidating Westminster legislation for breaching the UK Parliamentary Acts which conferred devolution to Scotland, Wales and Northern Ireland (Hazell 2007). In Belgium, the Constitutional Court has only played a marginal role in adjudicating disputes between the Communities, Regions and the federal ~~center~~centre, even though that role has somewhat increased since the federal and Community/Regional governments have no longer been composed of the same parties ~~following after~~ the 2004 regional elections (Alen and Muylle, 2008; Erk 2011). Finally in Austria the Constitutional Court has not served to curb the rather centralized character of the Austrian federation (Gamper 2003).

In contrast, the German and Spanish Constitutional Courts have had more input in balancing federal-regional relations. In Germany, the Constitutional Court may not have stopped the gradual centralization of the (West) German federation, but it played a role in strengthening the requirement of Bundesrat consent for federal legislation, safeguarding the input of the Länder in media and culture policy and enforcing a (more) impartial system of fiscal equalization (Laufer and Munch 1998; Ziller and Oschatz 1998). In Spain, the difficulty of amending the constitution in practice (due to the de facto requirement of bipartisan consent between the two major polity-wide parties; the PSOE and PP) gave the Court an important role in clarifying the competencies of the ~~center~~centre and that of the autonomous communities (for

instance, when invalidating sections of the **LOAPA** agreement which sought to scale back and symmetrize the powers of the autonomous communities in the wake of the failed 1981 military coup; Agranoff and Ramos Gallarín 1997). However, in recent years, the Court has become more discredited. Its composition has become subject to political manipulation by the central government and the historic communities increasingly consider it as ‘an arm of the Spanish central state’, especially so after its highly controversial ruling in which it invalidated part of the recently reformed Catalan statute of autonomy (Colino 2009).

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4. Explaining Authority Migration II: the Democratic Safeguards of Territorial Politics in Western Europe vs. Power Dependencies in Russia

Multi-Level Democracy in Western Europe

The above section demonstrated the weakness of endogenous federal safeguards in Russia (limited territorial self-rule, weakening shared rule and a relatively toothless Supreme Court). In Western Europe’s multi-level states, self-rule is usually stronger and constitutionally entrenched, but there are large variations in the shared rule provisions (strong in Germany, Belgium and Switzerland, weaker in Spain and Austria and weakest in the UK) and in the relevance of the Supreme or Constitutional Court as competence adjudicators (moderate in Germany and Spain, weaker in Austria and Belgium and weakest in the UK and Switzerland). Yet, where shared rule is limited or the Constitutional Court is relatively insignificant, constitutional self-rule is not necessarily at risk. This is so, because territorial autonomy is strongly tied to multi-level party competition and democracy (Filippov

2004 et al., Hough and Jeffery 2006; Hopkin and Van Houten 2009; Swenden and Maddens 2009; Thorlakson, 2007; Stepan, Linz and Yadav 2011).

For instance, the deepening of regional autonomy in Belgium, Spain and the UK can be attributed to the agenda-setting capacity of parties with a regional following on the (mostly) polity-wide parties that dominate the central government.

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In Spain, the polity-wide Social Democrats (in particular) conceded territorial reform when they could only muster a central parliamentary majority with the aid of Basque or Catalan regionalist parties (Toubeau 2011). Furthermore, the Social-Democrats often formed coalition governments with such parties at the regional level (Ştefuriuc 2009). Thus, the party's regional branches could pressure its central party wing into making territorial concessions that were necessary to keep these regional coalitions afloat. In Belgium, the polity-wide parties split up along linguistic lines in response to the rise of regionalist challengers (Deschouwer 2009b). Hence, the federalization of Belgium is the product of federal governments composed of linguistically split parties agreeing to carve up the centre and in doing so to fight off the electoral threat of these regionalist competitors. In the UK, Labour inserted devolution to Scotland and Wales (and envisaged the same for Northern Ireland following a peace agreement) in its 1997 election manifesto for central elections, because it so hoped to keep its prospect of a considerable electoral following in Scotland and Wales alive, against the competition of regionalist challengers (Meguid 2008). In Austria, Switzerland and Germany, regionalist parties are weaker, though polity-wide parties acknowledge the need to give sufficient autonomy to their regional branches in order to safeguard their electoral performance in regional and national elections (Dachs 2003; Sciarini and Hug 1999). The German polity-wide Christian-Democrats tolerate the presence of a distinctive Christian-Democratic party in Bavaria, while the Social-Democrats allow

their branches in the East to work~~ing~~ with the former Communists in regional coalition governments (Detterbeck and Hepburn 2010). German polity-wide parties are truly vertically integrated insofar as regional electoral gains influence federal governance prospects, in particular through the Bundesrat which has often served as the ‘breeding ground’ for future federal Chancellors (Detterbeck and Jeffery 2009).

In contrast, in Russia *multi-level party competition* has done little to safeguard territorial autonomy and cannot explain the changing dynamics of Russian federalism since the 1990s. In fact, the party system *reflects* rather than *shapes* relative power-dependencies in the Russian federation. Russian parties play a limited role in linking federal and regional arenas of electoral competition, because Russia has lacked a strongly integrated and competitive party system (Busygina 2010), both *before* and *after* Putin’s presidency. There are two major differences in the nature of the party system that Putin inherited and that of Western Europe’s multi-level states.

First, a well institutionalized party system assumes that candidates who stand for office will do so by rallying behind a party label. In Russia, many candidates preferred to run as independents instead (Stoner-Weiss, 2002; Hale, 2006). Low levels of party institutionalization could be observed at all levels. For instance, President Yeltsin abstained from joining or forming any political party during his eight years in office. Some have explained his behavior by arguing that presidents in fledgling democracies like to be ‘above’ the parties (which they often consider more as factions). Not only Yeltsin but *also* a majority of regional governors ‘frequently destroyed opposition efforts to convey major party substitutes into parties capable of being dominant players in the market for electoral goods and services’ (Hale 2006: 236). Russia’s ‘super-presidential’ system is not conducive to party institutionalization nor is its legacy of post-communist patronage networks (Hale

2006: 237-38). Well-entrenched parties (with their own organizational bureaucracies) tend to develop logics of their own, and 'leaders often avoid institution-building because strong institutions impede the power of individual, personalistic rule over policy and politics' (Stoner-Weiss 2002: 142). Similarly, entrepreneurs with the resources to build parties (often wealthy oligarchs who benefited the most from the initial transition to a market economy) were not interested in building parties for fear that in time these would weaken their privileged access to the state. In the 1990s, the refusal to build strong party networks extended to the regional level where governors built their own patronage networks, often ran as independent candidates or occasionally even pledged membership of more than one party at a time. Stoner-Weiss (2002) noted that of the 153 candidates who took part in 73 gubernatorial races between 1995 and 1997 only about a third had a clear party affiliation.

Second, ~~for long~~ in Russia, parties were not only weakly developed, but ~~those parties~~ that competed at the statewide level (presidential or Duma elections) also ~~performed poorly~~ ~~hardly succeeded in winning votes~~ at the regional level (gubernatorial or regional parliamentary elections). In the 1990s, the first and often crucial decade of a regime transition, political parties did not contribute to the integration of a democratic state or the establishment of a competitive political party system (Stoner-Weiss 2002). Hence, in the 1990s, parties were not genuinely *polity-wide* but territorially bifurcated (Thorlakson 2007).

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Power Dependencies and Autocracy-Sustaining Federalism in Russia

If multi-level electoral competition did not safeguard federalism in Russia, which factors did so instead? In the 1990s, the power of a regional governor was

defined *regardless* of his/her belonging to any political party. Political parties were weak and intergovernmental relations were not developing through political parties. Of greater significance were the personal relations of the governor with President Yeltsin and the economic position of the region. Powerful governors could afford to violate federal law. Through bilateral treaties with the centre, governors of some republics gained privileged access to central resources in exchange for supporting the president. A system of ‘segmented regionalism’ emerged (Sakwa 2010: 204) in which governors were given a free reign (and even allowed to disregard federal law) so long as they supported Yeltsin in federal presidential elections. *Bargaining and power-dependencies* played a more important role in determining the balance of powers between the centre and the regions than multi-level democracy.

Some governors considered their region as a ‘personal fief’ and attempted to control ‘regional procurators and police chiefs’ because they could serve as ‘important weapons to be deployed against local and political economic rivals’ and therefore helped to consolidate their grip on regional power (Taylor, 2007: 429; Obydenkova and Libman 2012). Regions asserted their power in the Russian federation, but not necessarily in a democratic way. Through their control of the local procuracy and the **MVD** (internal ministry), they stopped the ~~center~~centre from implementing federal law through regional state agencies. Consequently, the centre could not guarantee the observance of civil rights and secure the rule of law. About 44,000 legal **acts** were said to violate the constitution or federal legislation (Sakwa 2010: 207).

Regional support for the federal president in presidential elections was contingent upon certain favors being extended to the individual regions (Yeltsin’s presidency alone concluded 42 individual treaties with the republics). Indeed, studies have shown that in the 1990s there was a high positive correlation between the fiscal

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subsidies which the federal government allocated to the regions and the percentage of voters supporting president Yeltsin within that region.⁷ Regions also engaged in foreign relations (often sidestepping the preferences of the federal government), or through their economic policies, undermined a common Russian market.⁸ In sum, political authority was certainly divided, but unlike in Western Europe this was not always the result of open party competition, but rather of a sheer power-struggle between the centre and the regions for dominance in the federation (with only some of the regions e.g. Novgorod, Arkhangelsk, Samara and St Petersburg possessing a relatively democratic nature). Or, as Sakwa put it (2010: 206), ‘the autonomy of sub-national government may well be the hall-mark of federation, [but] the rich profusion of regimes and institutions in Yeltsin’s Russia [with some regions governed as authoritarian or super-presidential fiefs, and others as relatively democratic governments] cannot automatically be considered hallmarks of a federation.’

The election of Putin to Russian President changed the dynamics of the power-struggle. Putin, a former head of the security service prior to becoming Prime Minister (under Yeltsin) and President built his political reputation by projecting a hard-line approach against Chechen terrorists. His popular standing also benefited from the upsurge in the Russian economy (especially through higher oil revenues for the Russian state) around the time of his election and his capacity to broker a ‘polity-wide’ party ‘United Russia’ (Gel’man 2008, p. 52). However, ‘United Russia’ was less central to his strategy of establishing a ‘power-vertical’ than his progressive *recapturing* of coercive state institutions. Only the latter allowed him to impose a polity-wide party from above. Here is how Putin achieved this objective.

In 2000, shortly after he was elected President, Putin decided to establish seven super-districts (Federal Districts) the borders of which match Russia’s military

districts (instead of already existing interregional associations or socio-economic regions). As Ross asserts although Putin's decision complied with article 83 of the constitution which authorizes the president to appoint and remove 'plenipotentiary representatives', the reform violates the 'federal idea', especially since the super-districts 'monitor' regional executive and legislative behavior (Ross, 2003: 35). The seven *polpredy* (presidential envoys or heads of the special districts) have a high status, which is reflected in their membership of the Russian Security Council and the right to attend cabinet meetings of the federal government. They receive direct funding from the federal government and have a staff of about 100. Among their set of (extensive) powers we find the right to monitor federal funds earmarked for regional authorities of their district, and the task of overseeing the collection of taxes.

Polpredy can also recommend the president to suspend regional laws or decrees that are found to contradict federal laws and to dismiss governors or dissolve regional assemblies perceived to be responsible for such constitutional or federal legislative breaches. Furthermore, *Polpredy* appoint the personnel of agencies in charge of implementing federal policy within the regions. Due to the extensive list of competencies of the federal government this is an important power and regional authorities (governors in particular) should have been consulted on such matters, especially on judicial appointments and appointments to law enforcement bodies (Ross 2003: 36). Importantly, the boundaries as well as the choice of personnel for these federal Districts suggest that Putin sought to regain control over the coercive agencies of the state. The boundaries of the seven regions coincided with the districts of the internal troops of the MVD, and five of the seven districts were headed by so called '*siloviki* or men of force' including two former army generals, two former KGB colleagues and one MVD general (Taylor 2007: 431).

Having gained greater control over state coercive agencies, Putin silenced critical media channels and economic oligarchs with political ambitions, often through nationalizing the media, businesses or instigating court cases against oligarchs who challenged his authority. However, at least initially, governors and economic oligarchs were offered what Gel'man (2008b: 33) refers to as an 'equidistant approach', they were left alone provided they did not undermine or participate in central policy-making.

The abolition of direct gubernatorial elections in 2004 and the appointed nature of the Council of Federation contributed to cutting down the room for party competition, and therefore strengthened the power of the President and United Russia in the polity. United Russia should be seen as a polity-wide party, which did not develop organically, but was intentionally brokered from above. In the view of the Kremlin, the 'power-vertical' not only had to be extended across the constitutional and bureaucratic structure of federalism, but also across its party system. Therefore, it brokered United Russia as the merger between Fatherland-All Russia and the Unity Party (the former, made up of a large group of powerful governors, nearly defeated the party supporting the President in the Duma elections of 1999). Some scholars have gone to argue that the survival of a regional governor is dependent on his/her loyalty to the President and, thus, to United Russia as a party of the President (Busygina 2010: 147). However, powerful regional governors often only joined United Russia in exchange for significant concessions.

Finally and concurrently, the centre sought to nationalize and institutionalize the party system through electoral legislation. A federal law on political parties (enacted in 2001), requires a.o. that parties must have established branches in more than 45 regions of the federation and count at least 100 members in each branch. This

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measure ruled out the presence of parties with a distinctive regional following, a core feature of the UK, Spanish and Belgian multi-level party systems. In 2002, another law prescribed that half the regional parliamentary members must be elected through party lists, reducing the number of regional MPs who can run as independents. The abolition of constituency seats for Duma elections further increased the leverage of party organizations in the process of candidate selection. Party lists were also introduced for regional elections, with the same result.

Yet, has this strengthening of the centre vis-à-vis the regions and the weakening of central democracy also killed federalism, in a sense that it stripped the regions of their powers? We see five reasons why the answer is not a clear cut yes.

First, the reassertion of Presidential and federal powers reduced but did not eliminate the scope for asymmetric federal practices and intergovernmental bargaining. Since 2000, redistributive grants have been allocated more on the basis of common formulas, reflecting the less arbitrary implementation of central policies across the regions of the federation (Smirnyagin 2010: 50-54). Equalization payments now mostly flow to regions with below average levels of economic development and republics no longer receive preferential treatment compared with other regions in the state. However, some republics still enjoy a disproportionate share of federal transfers for reasons that have nothing to do with their “special status” as republics (Zubarevich 2010: 91). For instance, Tatarstan and Bashkortostan still receive a disproportionate amount from discretionary federal funding streams. Both republics rank 5th and 19th in terms of per capita regional fiscal capacity but they receive the bulk of regional development funding. This reflects the privileged partnership between both republics and the centre (Deryugin and Kurlyandskaya 2007: 252-253). Tatarstan is a net recipient of federal transfers and has multiple investment programs that have been

explained on dubious grounds (e.g., the “unexpected celebration of 1000 years of its capital Kazan”) or have not been explained at all (Zubarevich 2010: 91-3).

Second, regional actors sometimes had good reason to endorse the centralization by the Kremlin, other than the fear for federal coercion. Regional governors have often been complicit in sanctioning the abolition of their electoral mandate. In the lead up to the 2004 decision to abolish gubernatorial elections, several incumbent governors (who had Kremlin support) were ousted from office by emerging regional elites and entrepreneurs (Kynev 2010: 113). The defeat of incumbent governor A. Surikov (Alta Krai) against popular actor M. Evdokimov is a case in point. According to Kynev, the appointment rather than the elections of gubernatorial positions provided a more secure way for many incumbent governors to retain office even if this meant they had to establish friendly relations with, or became members of, the party of power, United Russia (Kynev 2010: 121; Busygina 2010: 144).

Third, the centre has not been able to recast Russian federalism where the constitutional requirement for gaining regional (popular) consent was difficult to circumvent. Putin and the Kremlin, through their ‘amalgamation project’ may have preferred to reduce the number of units in the Russian federation considerably below the current 83, given that the regions are largely unequal in size and economic capacity. Yet, the proposed merger of two ordinary regions (for instance St Petersburg and the adjacent Leningrad region or Pskov and Novgorod) came to nothing. Apart from the merger of some national autonomies with the compound region, the prospect of reducing the ‘matryoskha’ element of Russian federalism even further was stopped due to the protest of the affected regional elites (Kosikov 2008). Successful mergers, where they succeeded, often resulted from referendums in the affected regions and

required the approval of the Federal Assembly, a process which Sakwa (2010: 217) describes as ‘thoroughly democratic’.

Fourth, the capacity of the one dominant party, United Russia, to control its regional ‘agents’ (Konitzer and Wegren 2006) can be questioned. Darrell Slider has argued that “[P]atronage systems in most regions [remain] largely under the control of regional leaders, independent of United Russia’s national or regional party organizations” (Slider 2010: 263). Regional governors with well-developed clientelistic networks, economic (e.g., industry concentration), ethnic and geographical resources were also more reluctant to join United Russia (Reuter 2010: 310). United Russia is still considered to be a weak political artifact as it still “lacks an effective patronage system” and it is “~~a~~-subject to pressures from governors who are only formally subordinate to the party” (Slider 2010: 257). Some observers even go as far ~~as to say to stay~~ that informal politics, clientelistic relations, and “the myriad of informal relations” still remain benchmarks determining ~~center~~centre-regional politics (Ross 2010: 170), even though they may no longer result in the ‘Treaty federalism’ of the 1990s. Regions found ways to maintain power and leverage in negotiations with the federal government. According to Chebankova (2008: 997): “the Kremlin was unable to appoint the regional leaders unilaterally” and “regional economic elites developed a number of effective ways of influencing gubernatorial appointments” where “the centre is forced to account for the multiplicity of regional interests and act in a certain, decentralised manner”. However, the most powerful regional elites are also the most autocratic ones (such as Mintimir Shaimiev from Tatarstan who managed to retain great leverage with the centre). The lessons for other regions may well be that the increased penetration of family clans into regional

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politics and businesses strengthens and not weakens a region's negotiating power with the centre.

Finally, Putin's reforms should be described as a success in re-centralizing the Russian federation but as a failure in unifying loyalties or improving regional performance (Slider 2008). Under the new system established by Putin, a governor is expected not only to be an effective vote puller for the party of power, United Russia, but also as a mediator of regional and federal industrial elite interests (Chebankova 2008). Yet, regional economic elites often preferred to collaborate with appointed governors in those regions that have the most autocratic culture of governance (Obydenkova and Libman 2012). In this way, strong governors have become indispensable for United Russia and the Kremlin because of their capacity to "destroy opposition groups and dissent, and control [the] media, police, courts and election commissions" (Slider 2010: 271). In sharp contrast, weak regional governors are under constant pressure and total control of the central government (Ibid). Strong, but also autocratic regions provide a counterbalance to the federal government, and in this sense, prevent the state from becoming unitary. They generate what have remained asymmetric intergovernmental relations, in which some regions are subordinated to the ~~center~~centre and others retain a considerable influence and bargaining power vis-à-vis the Kremlin and President. Paradoxically, the more autocratic the regional regime, the stronger also the division of authority between the centre and the regions, and therefore the more *federal* the intergovernmental relationship.

5. Concluding Remarks: Autocratic versus Democratic Safeguards of Federalism

The article provided a comparative analysis of Russian federalism by confronting it with the experience of several West European states. That makes sense, because of the plurinational and redistributive nature of Western Europe's multi-level states, a feature which they share with Russia. Furthermore contemporary Spanish, German and Austrian federalism, like Russian federalism emerged from an authoritarian or dictatorial past. Table 2 provides a summary overview of where Russian federalism stands (pre and post Putin) in comparison with the multi-level polities of Western Europe.

Table 2 About Here

Scholarly work on federalism makes a distinction between federal form and federal practice. There always exists some dissonance between both, but the extent to which the constitutional principles of federalism are also observed in practice usually depends on a number of safeguards (Bednar 2009). To some extent these safeguards are endogenous to federalism itself. Substantive levels of regional autonomy can be read from the allocation of administrative and fiscal competencies (self-rule) and the presence of a regional political class to put these competencies into use. Or, the federal encroachment of regional competencies can be stopped where the regions benefit from procedural and structural mechanisms to influence central decision-making (the shared rule dimension in the second section of the paper or a Court that can adjudicate on central-regional or inter-regional disputes of competences).

Yet, in Russia, the dissonance between constitutional federalism and federal practice is larger than in any of the West European multi-level states. The meaning of self and shared rule cannot be read from the Russian constitution. However, and

crucially, it cannot be read from the dynamics of party competition either. In Western Europe, multi-level electoral party competition, more so than the shared rule provisions or judicial safeguards, has played a role in sustaining or deepening territorial autonomy. In Spain, Belgium and the UK the challenge and bargaining power of regionalist parties propelled the state into a more decentralizing trajectory. Hence, the practice of federalism is closely linked to a process of open, fair and multi-level electoral competition. In sum, it is closely tied to democracy, with both processes reinforcing each other.

In contrast, in Russia, the emergence of a one-party dominant system is *reflective of* rather than a cause of the changing dynamics of Russian federalism. In Russia, the practice of federalism is tied more closely to the degree of power-equivalence between the central and regional elites, and that relationship is not tied to the dynamics of party competition. In the period of ‘segmented regionalism’ (between 1992 and 2000) governors, some of whom lacked democratic credentials, wielded ~~strong~~ enough power to resist centralization or to gain concessions from a relatively weak but more democratic centre (Stoner-Weiss 2006, Obydenkova 2011). In the current period of ‘central authoritarianism’ (since 2000), shared rule mechanisms were certainly weakened (as the reduced weight of the Federation Council and its partial replacement by an advisory State Council attest). Furthermore, the creation of seven federal Super-Districts, headed by powerful presidential envoys and the abolition of direct gubernatorial elections jeopardizes the ‘democratic’ quality of Russian federalism. In this article, we have argued that this fundamental recalibration of Russian federalism into a centrist and authoritarian direction is not so much the outcome of creating a one party dominant system ‘from above’. Rather, the

emergence of United Russia illustrates the centre's relative success in recapturing state instruments of domination and control.

Paradoxically however, this at best semi-autocratic system has not killed federalism. 'Political power' remains vertically divided, especially where the centre meets regional governors with a strong power-base linking the economic and societal interests of their region. Authoritarian, rather than democratically challenged governors are more likely to possess such a power-base. Hence, under Russian federalism, regional democracy has weakened the position of governors and regional executives vis-à-vis the authoritarian centre, whereas regional authoritarianism has strengthened it. The outcome is a state that is at best half democratic (or 'hybrid'), yet federal (where central and regional authoritarianism meet) but centralized and unitary (where central authoritarianism faces regional democracy). A quasi-federal central-regional balance has often come at the expense of and not as a result of democracy. The implications of this 'adaptive' or 'disguised' federalism for federal theory are important since in Russia, federal relations are strongest where they are the least democratic; upsetting the prevailing view that federalism flourishes best where multi-level democracy is strongest (Kincaid 2010).

Realizing the serious deviation from the model of "democratic" federalism, Russian scholars often highlight that "the idea of an interconnection between federalism and democracy [...] is meaningless" (Ivanov 2006, p. 16). This approach implicitly points into the direction of federalism without democracy. Indeed, if the idea of a multi-level democracy – democracy at the national, regional, and local levels – is taken out of federalism, some form of federalism can certainly be found in the Russian Federation (Obydenkova 2011). The coming years will be crucial for testing the stability of this 'autocracy-sustaining federalism' that Putin and his entourage

created. Indeed, in the aftermath of parliamentary and presidential elections and massive demonstrations in Moscow and other regions against supposedly falsified electoral results, Putin promised to re-introduce direct gubernatorial elections. This would be a first and crucial step towards territorial decentralization of political power in Russia. The potential unraveling of the current centralized federal structures in its current form would almost certainly create further instability, but it could also bring along the opportunity for Russia to turn into a truly democratic federal state.

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² Support for the Constitutional Draft was as low as 38.2% in the republic of Adygeya, 40.7% in Bashkortostan; 39.9% in Chuvashia; 24.8% in Dagestan, 48.5 in Kalmykia; 27.4% in Karachaevo-Cherkessia; 36.1% in Mordovia; 29.7% in Tuva (Vaslavsky and Mironiuk, 2010b: 41).

³ Fewer than half the electorate showed up in Ingushetia (46%), Khakassia (45,6%), Komi (47,2%), Mari-El (46,8%), Udmurtia (44,2%) and Tatarstan (13,4%). The Republic of Chechnya announced unilaterally its independence and sovereignty in 1991 and ignored the constitutional referendum (see for example Kahn 2002, Ross 2002).

⁴ The design of the Russian federation is not ethnically homogeneous or plurinational in a sense that the territorial boundaries of the ethnic entities, i.e. the Republics, autonomous okrugs and autonomous oblast (Jewish) rarely coincide with the boundaries of the ethnic groups comprising the federation. These boundaries were often 'put together' (Stepan 2001) by Stalin in the 1930s and hardly changed

thereafter (Stoner-Weiss 2004: 302). For instance, two thirds of the Tatars live outside of Tatarstan and a majority of the citizens living in Tatarstan are ethnically non-Tatar. In fact, in nearly half of the autonomous Republics the titular ethnic group constitutes a minority. [\[SOURCE? Ibid?\]](#)

⁵ As in Russia though, the ‘ethnic’ homogeneity of the territories comprising the minority nations is not complete: a considerable share of Basques live outside the Basque Country (including in France), and although a majority of citizens who live in the Basque Country identify with the Basque nation, less than half master the titular language (Conversi 2002). Similarly, Castilians represent a large share of the Catalan population, whereas the Catalan language is also widely spoken in Valencia and the Balears.

⁶ On average, regional and local taxes only account for nine to ten percent of subnational government revenues. Furthermore, even taxes that have a regionally set rate are still administered by federal tax services (Derygin and Kurlyandskaya 2007: 247-250). Large vertical fiscal imbalances (VFI) emerge that need to be closed by federal grants or so-called ‘shared’ federal taxes. The receipts of these taxes accrue in part or in their entirety to the regional governments. For instance, the regions receive the entire receipts of excises on alcohol products and beer, inheritance tax, enterprise property tax, transport tax and taxes on gambling businesses. Federal transfers to sub-national governments are the third largest federal expenditure item overall (after pensions and defense).

⁷ Other studies stated that transfers were motivated purely by different regional needs (Stewart 1997; Smirnyagin 2010, 48) and therefore aided to increase symmetry across the regions in terms of their economic development and well-being.

⁸ On foreign relations of sub-national regions of Russia with the EU, see Lankina and Gettachew 2006; Obydenkova 2008; 2012.

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